

REMARKS

This application has been carefully reviewed in light of the Office Action dated June 18, 2004. Claims 1 and 3-7 remain pending in this application. Claims 1, 6, and 7 are the independent claims. Favorable reconsideration is respectfully requested.

On the merits, the Office Action rejected Claim 7 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully believe the amendment to Claim 7 adequately responds to the § 112, second paragraph rejection and requests its withdrawal.

Further on the merits, the Office Action rejected Claims 1, 2, and 5-7 under 35 U.S.C. § 102(e) as being anticipated by Nakamura et al., (U.S. Patent No. 6,529,714; hereinafter "Nakamura"). The Office Action also rejected Claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Nakamura in view of Fuchs (U.S. Patent No. 3,870,184; hereinafter "Fuchs"). The Office Action also rejected Claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Nakamura in view of Savovic et al. (U.S. Patent No. 5,260,146; hereinafter "Savovic"). Applicants respectfully submit the pending Claims are allowable for at least the following reasons:

Nakamura fails to recite or suggest a lever element being arranged to bend a material of lower hardness, external to the

portable electronic apparatus, by way of a leverage effect. Rather, Nakamura's lid merely secures a battery internal to the portable electronic apparatus. Applicants respectfully traverse the § 102 rejection of Claim 1 for at least the above reasons.

Claims 6 and 9 recite a mobile telephone and a mobile telephone housing, respectively, substantially corresponding to the portable electronic apparatus of Claim 1 and are believed patentable for at least the same reasons.

Claims 3-5 depend from one or another of the independent Claims recited above and are believed patentable for at least the same reasons. In addition, Applicants respectfully believe Claims 3-5 to be independently patentable and request separate consideration of each claim. Further, Applicants respectfully believe the § 103 rejections of Claims 3 and 4 to be moot in light of the above remarks and request their withdrawal.

In view of the foregoing amendments and remarks, Applicants respectfully requests favorable reconsideration and early passage to issue of the present application.

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Respectfully submitted,

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